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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 DEMARIO ROBERTS, et al.,

8 Plaintiffs,

9 v.

10 STEPHEN SINCLAIR, et. al.,

11 Defendants.
12

Case No. C18-837 RSM

ORDER DENYING MOTION TO AMEND
COMPLAINT AND DENYING MOTION
TO REOPEN DISCOVERY

13 This matter comes before the Court on Plaintiffs’ Motion to Amend Complaint (Dkt.
14 #67), and Motion for Extension of Time to Complete Discovery (Dkt. #68). Plaintiffs in this
15 case are inmates at Monroe Correctional Complex who allege they were denied requests to be
16 placed on a Ramadan List—*i.e.* to be provided meals that satisfy religious requirements—for
17 the month of Ramadan in 2018. *See* Dkt. #59 (“Amended Complaint”).
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19 This case was filed on June 10, 2018. The deadlines for amending pleadings and joining
20 parties passed on September 12, 2018. Dkt. #56. Plaintiffs filed an Amended Complaint on
21 that date. Dkt. #59.
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23 Plaintiffs now seek to amend again to “add three new Plaintiffs who Defendants refused
24 to add to the Ramadan List, and who did not receive Ramadan meals for part of Ramadan
25 2019,” and to add new facts learned in discovery and new legal arguments including a new
26 claim under the Establishment Clause. Dkt. #67 at 4. Plaintiffs’ other Motion seeks leave to
27 conduct additional written discovery as to the events of Ramadan 2019. Dkt. #68.
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ORDER DENYING MOTION TO AMEND COMPLAINT AND DENYING MOTION TO
REOPEN DISCOVERY - 1

1 As to the first issue, Plaintiffs specifically argue:

2 As discovery related to the Ramadan 2018 Plaintiffs was wrapping
3 up in May and June 2019, Ramadan 2019 occurred. When the
4 Ramadan 2019 period began on May 6, Plaintiffs' counsel learned
5 of complaints from other inmates at Monroe who were not
6 receiving Ramadan meals. Treating the Department's failure to
7 once again add fasting Muslim inmates to the Ramadan List as an
8 emergency that could result in starvation, Plaintiffs' counsel
9 immediately travelled to Washington. Over the course of a
10 business week, Plaintiffs' counsel managed to pressure the
11 Department to add all individuals counsel was aware of to the
12 Ramadan List. This foreclosed the need to seek another temporary
restraining order or preliminary injunction. Still, the Department's
actions surrounding Ramadan 2019 denied additional Muslim
inmates food and violated those inmates' civil rights. The
Department's actions further indicate the same issues are likely to
repeat in 2020 and beyond. Three inmates who exhausted the
emergency grievance process should be added as Plaintiffs.

13 Dkt. #67 at 3.

14 Once a district court files a scheduling order pursuant to Federal Rule of Civil Procedure
15 16 and the deadlines for amending a pleading or joining a party expire, a party's motion to
16 amend a pleading or join an additional party is governed by Rule 16, not Rule 15. *See Johnson*
17 *v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607-08 (9th Cir. 1992).

19 A scheduling order "may be modified only for good cause and with the judge's
20 consent." Fed. R. Civ. P. 16(b)(4). The decision to modify a scheduling order is within the
21 broad discretion of the district court. *Johnson*, 975 F.2d at 607. "Rule 16(b)'s 'good cause'
22 standard primarily considers the diligence of the party seeking amendment." *Id.* at 609. If a
23 party has acted diligently yet still cannot reasonably meet the scheduling deadlines, the court
24 may allow modification of the schedule. *Id.* However, "if that party was not diligent, the
25 inquiry should end" and the motion to modify should not be granted. *Id.* Local Civil Rule
26 16(m) states that "this rule will be strictly enforced" in order to "accomplish effective pretrial
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1 procedures and avoid wasting the time of the parties, counsel, and the court.” While prejudice
2 to the party opposing the modification may provide additional reasons for denying the motion, it
3 is not required to deny a motion to amend under Rule 16(b). *Coleman v. Quaker Oats Co.*, 232
4 F.3d 1271, 1295 (9th Cir. 2000).

5 Given the above standards, the Court will first analyze whether Plaintiffs have been
6 diligent in seeking this amendment and to add new parties.
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8 The first complaint in this case was filed on June 10, 2018. Dkt. #1. In 2018 Ramadan
9 began on May 16 and ended on June 15. *Id.* at 9 n.1. The parties filed a Joint Status Report on
10 August 2, 2018. Dkt. #55. At that time, Plaintiffs explained they were “still in the process of
11 identifying potential new defendants and plaintiffs.” *Id.* at 2. The parties proposed different
12 deadlines for the addition of new parties and amending the complaint. Based on the submission
13 of the parties, the Court issued a scheduling order that set both the deadline for joining
14 additional parties and for amending pleadings on September 12, 2018. Dkt. #56. Plaintiffs
15 filed an Amended Complaint on September 12, 2018. Dkt. #59. Plaintiffs anticipated
16 Ramadan 2019 becoming an issue at this early date. *See id.* at 24 (“it is unlikely this case will
17 be resolved before Ramadan 2019 commences.”). In 2019, Ramadan began on May 5 and
18 ended on June 3.
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21 By Plaintiffs’ own admission they were aware for months of the potential for Ramadan
22 2019 to create new issues in this case, and indeed Ramadan 2020 and so on. Yet Plaintiffs
23 waited until June 21, 2019, to file a Motion seeking leave to add parties and claims and to
24 expand the scope of this case. By waiting until this late date, seven weeks after Ramadan 2019
25 began, Plaintiffs delayed the Court’s ruling on this issue until after dispositive motions have
26 been filed. As Defendants point out, “had they filed their motion on May 15, 2019, when they
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1 most recently raised the prospect of amending the complaint with defense counsel, the motion
2 could have been noted for consideration before the close of discovery and the dispositive
3 motion deadline. Instead, they waited until after completion of written discovery and the day
4 before the already extended discovery cutoff.” Dkt. #71 at 7. This does not strike the Court as
5 demonstrating diligence.
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7 The Court acknowledges that, given the nature of this case, including the inherent
8 delays associated with representing inmates, there are mitigating factors to explain Plaintiffs’
9 counsel’s delay in filing these Motions. *See* Dkt. #81 at 2–3. Considering these mitigating
10 factors, the Court does not base its ruling solely on Plaintiffs’ diligence.
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12 The Court thus turns to the question of prejudice to the party opposing amendment. The
13 Court agrees with Defendants that this late amendment and addition of parties would
14 significantly frustrate Defendants’ ability to defend this case before trial, and likely result in a
15 whole new period of discovery and dispositive motion drafting. *See* Dkt. #71 at 6. Any
16 efficiencies gained by adding these new plaintiffs to this case, rather than allowing them to file
17 a separate action, are outweighed by prejudice to the opposing party, and even prejudice to the
18 current Plaintiffs who would see a delay in the resolution of this case. Given all of the above,
19 the Court will deny these Motions.
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21 Having reviewed the relevant briefing, and the remainder of the record, the Court
22 hereby finds and ORDERS that Plaintiffs’ Motion to Amend Complaint (Dkt. #67), and Motion
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1 for Extension of Time to Complete Discovery (Dkt. #68) are DENIED.

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3 DATED this 1st day of August 2019.

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6 RICARDO S. MARTINEZ
7 CHIEF UNITED STATES DISTRICT JUDGE
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